

Mr francois Ziade
ZD DESIGN
449 Edgware Road
London
W2 1TH
United Kingdom

Application Ref: **2017/0383/P**
Please ask for: **Tessa Craig**
Telephone: 020 7974 **6750**

26 April 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
178 Kilburn High Road
London
NW6 4JD

Proposal:
Change of use from class A1 (Coffee Shop) to class A3 (Restaurant). Erection of ventilation duct fixed on right side of exterior elevation up to roof and installation of fire exit door on the right side elevation.

Drawing Nos: Location Plan, Noise Impact Assessment IB1512161NR 23.12.2016, PL2351, A-102 Rev A, A-102A Rev A, A-103 Rev A, A-104 Rev A, A-105 Rev A, A-105A Rev A, A-106 Rev A, A-107 Rev A, A-108 Rev A and A-109 Rev A.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and



Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, Noise Impact Assessment IB1512161NR 23.12.2016, PL2351, A-102 Rev A, A-102A Rev A, A-103 Rev A, A-104 Rev A, A-105 Rev A, A-105A Rev A, A-106 Rev A, A-107 Rev A, A-108 Rev A and A-109 Rev A.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The use hereby permitted shall not be carried out outside the following times 07:00 to 23:30 Mondays to Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Prior to use, machinery, plant or equipment and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies and policies A1 and A4 of the emerging Draft Local Plan 2016.

- 7 Prior to the first use of the premises for the A3 use hereby permitted, the ventilation and filtration equipment to suppress and disperse fumes and/or smells created from cooking activities on the premises, shall be installed and be in full working order in accordance with the approved scheme. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations. In the event of no satisfactory ventilation plant and / or machinery being provided, no primary cooking shall take place on the premises.

Reason: To safeguard the amenities of the premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies and policies A1 and A4 of the emerging Draft Local Plan 2016.

- 8 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and policies A1 and A4 of the emerging Draft Local Plan 2016..

Informative(s):

- 1 Reasons for granting permission.

The subject site is located within the Kilburn High Road Town Centre Core Frontage. The proposed change of use would result the shopping frontage which it is part of, being 80% in A1 retail use, complying with the guidance of maintaining 75% in A1 retail use. It would not result in more than 2 consecutive non-retail uses (there would be A1 uses either side of the property). The change of use is therefore considered acceptable and to comply with policy guidance in this instance.

Whilst it is accepted that the proposed ductwork is large and runs up the whole length of the building, it has been well located to minimise the harm to the host property and the neighbouring properties. The proposed ductwork shall be setback from the street by approximately 7m and would be a discreet black colour. Two fire exit doors shall be located in the side elevation in the narrow alleyway at ground floor, where they would not be visible from the street. Overall the external changes

are considered acceptable in terms of design and appearance. Any shopfront and advertisement changes would require a separate planning application.

The applicant has submitted a Noise Impact Assessment report which has been reviewed by an Environmental Health Officer. There are four residential units above the ground floor where the proposed A3 use would operate. The proposed extraction equipment shall be lower than the lowest existing background noise level by at least 10dBA and be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced. The flue does not cause loss of light as it does not obscure any windows.

The proposed operating hours are 07:00 to 23:30 Monday to Sundays and public holidays. A condition has been imposed to secure operating hours and to ensure no music is audible from adjoining properties. Acoustic conditions have also been imposed. Due to the conditions of consent and given Kilburn High Road is a busy road, it is considered the impact would be acceptable in terms of neighbours amenity.

No onsite parking is available to staff or customers and therefore no parking issues are considered to occur. A waste store room is proposed within the ground floor unit and it is considered kerb side collection will be suitable for an operation of this size.

A site notice was displayed outside of the property. One objection has been received prior to making this decision and taken into consideration. The site's planning history was taken into account in coming to this decision.

As such, the proposed development is in general accordance with policies CS5, CS7 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, policies DP12, DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies and policies A1, A4, D1 CC5, TC1, TC2 and TC4 of the London Borough of Camden Draft Local Plan Submission Draft 2016. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior

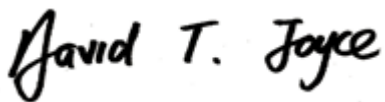
approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive style with a large initial 'D'.

David Joyce
Director of Regeneration and Planning